

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SanDisk Corporation,)	
)	
Plaintiff,)	
v.)	Civil Action Nos.: 07-C-0605-C and
)	07-C-0607-C
)	
Phison Electronics Corp., et al.)	
)	
Defendants.)	
)	

STIPULATION REGARDING CROSS-USE OF DISCOVERY

Plaintiff SanDisk Corporation (“SanDisk”) and Defendants Phison Electronics Corp., Kingston Technology Co., Inc., Kingston Technology Corp., MemoSun, Inc., Payton Technology Corp., Silicon Motion Inc. (Taiwan), Silicon Motion International, Inc., Silicon Motion Technology Corp., Silicon Motion, Inc. (California), Apacer Technology, Inc., Apacer Memory America, Inc., Transcend Information Maryland, Inc., Transcend Information, Inc. (California), Transcend Information, Inc. (Taiwan), Skymedi Corp., ITE Technologies Inc. (f/k/a Afa Technology, Inc./f/k/a USBest Technology, Inc.), Chipsbank Microelectronics Co., Ltd., Chipsbank Technology (Shenzhen) Co., Ltd., Chipsbrand Microelectronics (HK) Co., Ltd., A-Data Technology (USA) Co., Ltd., A-Data Technology Co., Ltd., Power Quotient International Co., Ltd., PQI Corp., Dane Elec Corp. USA, Dane-Elec Memory S.A., LG Electronics U.S.A., Inc., LG Electronics, Inc., Imation Corp., Imation Enterprises Corp., Memorex Products, Inc., Buffalo Technology (USA), Buffalo, Inc., Melco Holdings, Inc., (collectively, “Stipulating Defendants”), by and through their respective undersigned counsel, hereby stipulate that:

1. SanDisk and the Stipulating Defendants may use in the above-captioned lawsuit any discovery or evidence produced by or belonging to SanDisk and/or the Stipulating Defendants,

including but not limited to any produced document, interrogatory response, response to request for admissions, and/or deposition and hearing testimony from ITC Inv. No. 337-TA-619, *In re Certain Flash Memory Controllers, Drives, Memory Cards, and Media Players and Products Containing Same* (hereafter “the ITC Investigation”), as if that discovery or evidence had been provided in this lawsuit. Neither SanDisk nor any of the Stipulating Defendants may re-use any document or other information produced by and/or belonging to non-parties to the ITC Investigation without the express consent of such third parties.

2. SanDisk and the Stipulating Defendants agree that any discovery or evidence from the ITC Investigation re-used in this action need not be returned or destroyed as required under paragraph 14 of the Protective Order in the ITC Investigation. The disposition of any re-used documents or evidence shall now be governed by paragraph 19 of the Stipulated Protective Order entered in this action.

3. Any document or information from the ITC Investigation which was designated as “CONFIDENTIAL BUSINESS INFORMATION” in the ITC Investigation shall carry that same designation in this lawsuit and shall be treated as “CONFIDENTIAL BUSINESS INFORMATION,” in conformance with the terms of the Stipulated Protective Order;

4. The re-use of any document or information from the ITC Investigation as stipulated above by any party is for discovery purposes only and does not preclude either party from challenging the admissibility of the re-used document or information pursuant to the Federal Rules of Evidence.

AGREED.

DATE: December 9, 2009

**KINGSTON TECHNOLOGY CO., INC.,
KINGSTON TECHNOLOGY CORP.,
PAYTON TECHNOLOGY CORP., PHISON
ELECTRONICS CORP., and MEMOSUN,
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